

Exhibit 34

**STATE OF TEXAS, ET AL. vs UNITED STATES OF AMERICA, ET AL.
Stephen Legomsky on 08/01/2018**

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

STATE OF TEXAS, ET AL.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 1:18-cv-00068
)	
UNITED STATES OF AMERICA, ET)	
AL.,)	
)	
Defendants,)	
)	
and)	
)	
KARLA PEREZ, ET AL.,)	
)	
STATE OF NEW JERSEY,)	
)	
Defendant-Intervenors.)	

THE DEPOSITION OF STEPHEN LEGOMSKY

Taken on behalf of Plaintiffs

August 1, 2018

HUSEBY GLOBAL LITIGATION
1230 WEST MOREHEAD STREET, SUITE 408
CHARLOTTE, NC 28208
(800) 333-2082

STATE OF TEXAS, ET AL. vs UNITED STATES OF AMERICA, ET AL.
Stephen Legomsky on 08/01/2018

Page 5

1 A P P E A R A N C E S

2
3 FOR THE PLAINTIFF STATES:

4 TODD LAWRENCE DISHER
5 Attorney-in-Charge
6 Special Counsel for Civil Litigation
7 Assistant Attorney General State of Texas
300 W. 15th Street
Austin, TX 78701
(512) 463-2100
todd.disher@oag.texas.gov

8 FOR KARLA PEREZ, ET AL.:

9 NINA PERALES
10 Mexican American Legal Defense and Education
Fund
11 110 Broadway, Suite 300
San Antonio, TX 78205
(210) 224-5476
12 nperales@maldef.org

13 FOR THE FEDERAL DEFENDANTS:

14 JEFFREY S. ROBINS
15 U.S. Department of Justice, Civil Division
Office of Immigration Litigation
16 District Court Section
P.O. Box 868
Washington, D.C. 20044
17 jeffrey.robins@usdoj.gov

18 FOR THE STATE OF NEW JERSEY BY TELEPHONE:

19 KENNETH LEVINE
20 Office of the Attorney General of New Jersey
25 Market Street, 8th Floor
Trenton, NJ 08625
21 (973) 648-2881
kenneth.levine@law.njoag.gov

22 REPORTED BY:

23 REBECCA L. TUGGLE, RPR, CCR, CSR
24 Huseby Global Litigation
25

STATE OF TEXAS, ET AL. vs UNITED STATES OF AMERICA, ET AL.
Stephen Legomsky on 08/01/2018

Page 99

1 Q And because they got work authorization, the
2 regulations applying to protect those with work
3 authorization applied to these individuals and their
4 DACA status?

5 A That's right. The practical effect of
6 revoking DACA was that the work permit that depended
7 on it was no longer in force.

8 Q And because of the protections of work
9 authorization, the court in this case ruled that the
10 Department of Homeland Security could not revoke these
11 individuals' DACA status?

12 A That's right. They have to follow their own
13 regulations.

14 Q Okay. I forgot to ask you one additional
15 question. So earlier we had talked about the
16 differences between DACA and DAPA; right? And you can
17 think of two right now. One is the size of the
18 population, which you said doesn't affect the merits
19 of whether DACA and DAPA are legally the same thing;
20 correct?

21 A In my opinion, it should not have that
22 effect.

23 Q Okay. And then the second thing you
24 mentioned was the ongoing nature of the DACA program
25 as opposed to the soon-to-be implemented nature of the

STATE OF TEXAS, ET AL. vs UNITED STATES OF AMERICA, ET AL.
Stephen Legomsky on 08/01/2018

Page 100

1 DAPA program; correct?

2 A Correct.

3 Q But, again, in your opinion, going to the
4 underlying merits of whether these two programs are
5 legal, that shouldn't make a difference; correct?

6 A Correct.

7 MR. DISHER: Okay. I have nothing further.
8 I'll pass the witness.

9 MS. PERALES: Can we take a break before
10 Jeffrey gets his chance to ask questions?

11 MR. ROBINS: Sure.

12 (Whereupon, a brief break was taken.)

13 EXAMINATION

14 QUESTIONS BY MR. ROBINS:

15 Q So thank you, Mr. Legomsky. Again, my name
16 is Jeff Robins. I'm the attorney representing the
17 federal defendants from the Department of Justice and
18 I probably only have three or four questions, give or
19 take some follow-up.

20 As we wound up Mr. Disher's questions, you
21 were indicating your understanding of what happened in
22 the Inland Empire matter based on Exhibit 11. Do you
23 recall that?

24 A Yes.

25 Q And you stated that the court's ruling in

STATE OF TEXAS, ET AL. vs UNITED STATES OF AMERICA, ET AL.
Stephen Legomsky on 08/01/2018

Page 126

1 REPORTER CERTIFICATE

2 I, REBECCA L. TUGGLE, a Registered
3 Professional Reporter, Certified Court Reporter, and
4 Certified Shorthand Reporter within and for the State
5 of Missouri, do hereby certify that there came before
6 me on August 1, 2018, at Alaris Litigation Services,
7 711 N. 11th Street, St. Louis, Missouri 63101

8 STEPHEN LEGOMSKY

9 who was by me first duly sworn; that the witness
10 was carefully examined; that said examination was
11 reported by myself, translated and proofread using
12 computer-aided transcription; and the above transcript
13 of proceedings is a true and accurate transcript of my
14 notes as taken at the time of the examination of this
15 witness.

16 I further certify that I am neither attorney
17 nor counsel for nor related nor employed by any of the
18 parties to the action in which this examination is
19 taken; further, that I am not a relative or employee of
20 any attorney or counsel employed by the parties hereto
21 or financially interested in this action.

22 Dated this 2nd day of August, 2018.

23 *Becca Tuggle*

24 Rebecca L. Tuggle, RPR, CCR, CSR